

FL-100

| | | |
|--|--|---|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): DALE CHEN, ESQ SBN 114701 LAW OFFICES OF DALE N. CHEN 147 CASTRO STREET, STE. 2A, MOUNTAIN VIEW CA 94041 TELEPHONE NO. (Optional): 650 988-6696 FAX NO. (Optional): 650 903-1813 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): CHING YEE MILLOR TSUI | | FILED FOR COURT USE ONLY 2005 JAN -3 PM 1:52 RY <i>[Signature]</i> CHIEF CLERK / CLERK SUPERIOR COURT OF CA COUNTY OF SANTA CLARA DEPUTY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA STREET ADDRESS: 170 PARK CENTER PLAZA MAILING ADDRESS: 170 PARK CENTER PLAZA CITY AND ZIP CODE: SAN JOSE CA 95113 BRANCH NAME: | | CASE NUMBER: 105FL 124146 |
| MARRIAGE OF PETITIONER: CHING YEE MILLOR TSUI RESPONDENT: CHENG-YIH HU | | |
| PETITION FOR <input checked="" type="checkbox"/> Dissolution of Marriage <input type="checkbox"/> Legal Separation <input type="checkbox"/> Nullity of Marriage | | |
| <input type="checkbox"/> AMENDED | | |

1. RESIDENCE (Dissolution only) ☐ Petitioner ☒ Respondent has been a resident of this state for at least six months and of this county for at least three months immediately preceding the filing of this *Petition for Dissolution of Marriage*.

2. STATISTICAL FACTS

- a. Date of marriage: 2/14/95
 b. Date of separation: 11/24/04

- c. Period between marriage and separation
 Years: 9 Months: 9

ART. Kleinberg
D71

3. DECLARATION REGARDING MINOR CHILDREN (include children of this relationship born prior to or during the marriage or adopted during the marriage):

- a. ☒ There are no minor children.
 b. ☐ The minor children are:

Child's name

Birth date

FILED Santa Clara Co
 01/03/05 2:05 PM
 Ari Torre
 Chief Executive Office
 By: soledada ndclerka
 R#200500000269
 CK \$299.50
 TL \$299.50
 Case 1:05-FL-124146

☐ Continued on Attachment 3b.

- c. If there are minor children of the Petitioner and Respondent, a completed *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105) must be attached.
 d. ☐ A completed voluntary declaration of paternity regarding minor children born to the Petitioner and Respondent prior to the marriage is attached.

4. ☒ **Petitioner requests** confirmation as separate property assets and debts the items listed

☐ in Attachment 4 ☒ below:

Item

TO BE DETERMINED

Confirm to

NOTICE: Any party required to pay child support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.

MARRIAGE OF (last name, first name of parties):

TSUI, CIHNG YEE MILLOR and HU, CHENG-YIH

CASE NUMBER:

105FL 124146

5. DECLARATION REGARDING COMMUNITY AND QUASI-COMMUNITY ASSETS AND DEBTS AS CURRENTLY KNOWN

- a. ☐ There are no such assets or debts subject to disposition by the court in this proceeding.
- b. ☐ All such assets and debts have been disposed of by written agreement.
- c. ☒ All such assets and debts are listed ☐ in Attachment 5c ☒ below (specify):

TO BE DETERMINED

6. Petitioner requests

- a. ☒ Dissolution of the marriage based on
- (1) ☒ irreconcilable differences. Fam. Code, § 2310(a)
- (2) ☐ incurable insanity. Fam. Code, § 2310(b)
- b. ☐ Legal separation of the parties based on
- (1) ☐ irreconcilable differences. Fam. Code, § 2310(a)
- (2) ☐ incurable insanity. Fam. Code, § 2310(b)
- c. ☐ Nullity of void marriage based on
- (1) ☐ incestuous marriage. Fam. Code, § 2200
- (2) ☐ bigamous marriage. Fam. Code, § 2201
- d. ☐ Nullity of voidable marriage based on
- (1) ☐ Petitioner's age at time of marriage. Fam. Code, § 2210(a)
- (2) ☐ prior existing marriage. Fam. Code, § 2210(b)
- (3) ☐ unsound mind. Fam. Code, § 2210(c)
- (4) ☐ fraud. Fam. Code, § 2210(d)
- (5) ☐ force. Fam. Code, § 2210(e)
- (6) ☐ physical incapacity. Fam. Code, § 2210(f)

7. Petitioner requests that the court grant the above relief and make injunctive (including restraining) and other orders as follows:

- | | Petitioner | Respondent | Joint | Other |
|---|-------------------------------------|-------------------------------------|--------------------------|--------------------------|
| a. Legal custody of children to | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Physical custody of children to | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Child visitation be granted to | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (1) <input type="checkbox"/> Supervised for | <input type="checkbox"/> | <input type="checkbox"/> | | |
| (2) <input type="checkbox"/> No visitation for | <input type="checkbox"/> | <input type="checkbox"/> | | |
| (3) <input type="checkbox"/> Continued on Attachment 7c(3). | <input type="checkbox"/> | <input type="checkbox"/> | | |
| d. <input type="checkbox"/> Determination of parentage of any children born to the Petitioner and Respondent prior to the marriage. | | | | |
| e. Spousal support payable to (earnings assignment will be issued). | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | |
| f. Attorney fees and costs payable by | <input type="checkbox"/> | <input checked="" type="checkbox"/> | | |
| g. <input checked="" type="checkbox"/> Terminate the court's jurisdiction (ability) to award spousal support to Respondent. | | | | |
| h. <input checked="" type="checkbox"/> Property rights be determined. | | | | |
| i. <input type="checkbox"/> Petitioner's former name be restored (specify): | | | | |
| j. <input type="checkbox"/> Other (specify): | | | | |
| <input type="checkbox"/> Continued on Attachment 7j. | | | | |

8. If there are minor children born to or adopted by the Petitioner and Respondent before or during this marriage, the court will make orders for the support of the children. An earnings assignment will be issued without further notice.

9. I HAVE READ THE RESTRAINING ORDERS ON THE BACK OF THE SUMMONS, AND I UNDERSTAND THAT THEY APPLY TO ME WHEN THIS PETITION IS FILED.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 12-28-04

CHING YEE MILLOR TSUI

(TYPE OR PRINT NAME)

Date: 12-28-04

DALE CHEN, ESQ.

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

(SIGNATURE OF ATTORNEY FOR PETITIONER)

NOTICE: Dissolution or legal separation may automatically cancel the rights of a spouse under the other spouse's will, trust, retirement benefit plan, power of attorney, pay on death bank account, transfer on death vehicle registration, survivorship rights to any property owned in joint tenancy, and any other similar thing. It does not automatically cancel the right of a spouse as beneficiary of the other spouse's life insurance policy. You should review these matters, as well as any credit cards, other credit accounts, insurance policies, retirement benefit plans, and credit reports to determine whether they should be changed or whether you should take any other actions. However, some changes may require the agreement of your spouse or a court order (see Family Code sections 231-235).

ATTACHMENT G

| | | | |
|---|--|-----------------------------------|--|
| NAME AND ADDRESS OF PARTY OR ATTORNEY FOR PARTY: DALE CHEN, ESQ. LAW OFFICES OF DALE N. CHEN 147 CASTRO STREET, STE. 2A, MOUNTAIN VIEW, CA 94041 | | TELEPHONE NUMBER: 650 988-6696 | FOR COURT USE ONLY FILED 2005 JAN 11 P 2:01 CLERK OF SUPERIOR COURT SAN JOSE, CALIFORNIA JAN 11 2005 |
| ATTORNEY FOR (Name): CHING YEE MILLOR TSUI | | | |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA | | | |
| MAILING ADDRESS: 170 PARK CENTER PLAZA CITY AND ZIP CODE: SAN JOSE CALIFORNIA 95113 BRANCH NAME: | | | |
| PETITIONER: CHING YEE MILLOR TSUI RESPONDER: CHENG-YIH HU | | | Case Number: 150 FL 124146 |
| DECLARATION IN SUPPORT OF EX PARTE APPLICATION FOR ORDERS | | | Department Number: 71 FCS Number: |

I, the undersigned, declare:

1. I am (choose one):

- (1) ☒ attorney for Petitioner ☐ attorney for Respondent ☐ attorney for child(ren)
 (2) ☐ self-represented Petitioner ☐ self-represented Respondent
 (3) ☐ other (explain):

2. The opposing party or minor child(ren) is represented by an attorney: ☐ Yes ☒ No
(If you checked "yes", fill in the attorney's name, address, and telephone number. If you checked "no", fill in the other party's name address, and telephone number.)

Party/Attorney name: CHENG-YIH HU

Address/Telephone number: 4756 CALENDULA COURT, SAN JOSE CA 95136

(408) 227-8061

Child's attorney name and address:

3. OTHER CASES: Have the parties to this case been involved in another Family, Probate Juvenile, or Criminal Court Case? ☐ Yes ☒ No If there has been another case, fill in the case number:

4. NOTICE

A. I HAVE given notice to the opposing party and/or their attorney by the following method:

- ☐ Personal delivery ☐ Fax ☐ Overnight Carrier ☐ First Class Mail ☐ Other: _____
 Date: _____ Time: _____

I have received confirmation that the other party has received my papers as follows: (Check one below)

- ☐ In person/telephone (describe): _____
☐ Confirmation of receipt.

B. I HAVE NOT given notice of the ex parte request for orders because (Check all that apply. You must explain below):

- ☐ This is an application for Domestic Violence Prevention Act (DVPA) restraining orders.
☒ Great or irreparable injury will result to me before the matter can be heard on notice.
☐ It is impossible to give notice.
☐ The other party agrees to the orders requested.
☒ No significant burden or inconvenience to the responding party will result from the orders requested.
☐ Other: _____

C. Explanation::

- ☐ A hearing between the parties is already set. I am asking that this motion be heard at the same time.
☐ I am unable to serve the other party 21 days before the hearing.
☐ I fear for my physical safety (and that of my children, if applicable).
☒ Other: RESONDENT MIGHT TRANSFER OR HIDE MARITAL ASSETS UPON NOTICE OF action

I declare under penalty of perjury that the foregoing is true and correct.

JAN - 6 2005

Date

Signature of Declarant

Print Name

Dale N. Chen, Esq.

FL-300

| | | |
|---|--|---|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): DALE CHEN, ESQ SBN 114701 LAW OFFICES OF DALE N. CHEN 147 CASTRO STREET, STE. 2A MOUNTAIN VIEW CA 94041 TELEPHONE NO. (Optional): 650 988-6696 FAX NO. (Optional): 650 903-1813 EMAIL ADDRESS (Optional): ATTORNEY FOR (Name): CHING YEE MILLOR TSUI | | FOR COURT USE ONLY FILED Santa Clara Co 01/11/05 2:13pm Kiri Torre Chief Executive Office By: helena PCFClerks R#200500003135 CK \$30.30 TL \$30.30 Case: 1-05-FL-124146 |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA STREET ADDRESS: 170 PARK CENTER PLAZA MAILING ADDRESS: 170 PARK CENTER PLAZA CITY AND ZIP CODE: SAN JOSE CA 95113 BRANCH NAME: | | |
| PETITIONER: CHING YEE MILLOR TSUI RESPONDENT: CHENG-YIH HU | | CASE NUMBER: 105FL 124146 |
| ORDER TO SHOW CAUSE FOR <input type="checkbox"/> MODIFICATION <input type="checkbox"/> Child Custody <input type="checkbox"/> Visitation <input checked="" type="checkbox"/> Injunctive Order <input type="checkbox"/> Child Support <input checked="" type="checkbox"/> Spousal Support <input type="checkbox"/> Other (specify): <input checked="" type="checkbox"/> Attorney Fees and Costs | | |

1. TO (name): CHENG-YIH HU
2. YOU ARE ORDERED TO APPEAR IN THIS COURT AS FOLLOWS TO GIVE ANY LEGAL REASON WHY THE RELIEF SOUGHT IN THE ATTACHED APPLICATION SHOULD NOT BE GRANTED. If child custody or visitation is an issue in this proceeding, Family Code section 3170 requires mediation before or concurrently with the hearing listed below.

a. Date: 2-3-05 Time: 9:00AM ☐ Dept.: 71 **CALENDARED** ☐ Room: JAN 11 2005

b. The address of the court is ☒ same as noted above ☐ other (specify):

c. ☐ The parties are ordered to attend custody mediation services as follows:

3. THE COURT FURTHER ORDERS that a completed *Application for Order and Supporting Declaration* (form FL-310), a **blank Responsive Declaration** (form FL-320), and the following documents be served with this order:

- a. (1) ☒ Completed *Income and Expense Declaration* (form FL-150) and a **blank Income and Expense Declaration**
 (2) ☐ Completed *Financial Statement (Simplified)* (form FL-155) and a **blank Financial Statement (Simplified)**
 (3) ☐ Completed *Property Declaration* (form FL-160) and a **blank Property Declaration**
 (4) ☐ Points and authorities
 (5) ☐ Other (specify):

**COMPLIANCE WITH FAMILY RULES REQUIRED
FAILURE TO COMPLY MAY RESULT IN SANCTIONS**

b. ☐ Time for ☐ service ☐ hearing is shortened. Service must be on or before (date):

Any responsive declaration must be served on or before (date):

c. ☒ You are ordered to comply with the temporary orders attached.

d. ☐ Other (specify):

Date: 1/10/05

JUDICIAL OFFICER

NOTICE: If you have children from this relationship, the court is required to order payment of child support based on the incomes of both parents. The amount of child support can be large. It normally continues until the child is 18. You should supply the court with information about your finances. Otherwise, the child support order will be based on the information supplied by the other parent.

You do not have to pay any fee to file declarations in response to this order to show cause (including a completed *Income and Expense Declaration* (form FL-150) or *Financial Statement (Simplified)* (form FL-155) that will show your finances). In the absence of an order shortening time, the original of the responsive declaration must be filed with the court and a copy served on the other party at least ten calendar days before the hearing date.

FL-305

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|---|---------------------------|
| PETITIONER/PLAINTIFF: CHING YEE MILLOR TSUI | CASE NUMBER: 105FL 124146 |
| RESPONDENT/DEFENDANT: CHENG-YIH HU | |

TEMPORARY ORDERS
Attachment to Order to Show Cause (FL-300)

FILED

2005 JAN 11 P 2

1. ☒ PROPERTY RESTRAINT

- a. ☐ Petitioner ☒ Respondent is restrained from transferring, encumbering, hypothecating, concealing or in any way disposing of any property, real or personal, whether community, quasi-community, or separate, except in the usual course of business or for the necessities of life.
- ☒ The other party is to be notified of any proposed extraordinary expenditures and an accounting of such is to be made to the court.
- b. ☒ Both parties are restrained and enjoined from cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage including life, health, automobile, and disability held for the benefit of the parties or their minor child or children.
- c. ☒ Neither party may incur any debts or liabilities for which the other may be held responsible, other than in the ordinary course of business or for the necessities of life.

2. ☐ PROPERTY CONTROL

- a. ☐ Petitioner ☐ Respondent is given the exclusive temporary use, possession, and control of the following property the parties own or are buying (*specify*):
- b. ☒ Petitioner ☐ Respondent is ordered to make the following payments on liens and encumbrances coming due while the order is in effect:
- | | | |
|------------------------|--------------------------|--------------------------|
| <u>Debt</u> | <u>Amount of payment</u> | <u>Pay to</u> |
| mortgage family resid. | \$3,827.26 | EMC Mortgage Corporation |

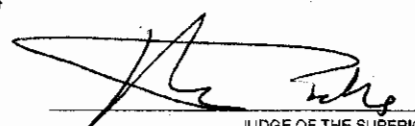
3. ☐ MINOR CHILDREN

- a. ☐ Petitioner ☐ Respondent will have the temporary physical custody, care, and control of the minor children of the parties, ☐ subject to the other party's rights of visitation as follows:
- b. ☐ Petitioner ☐ Respondent must not remove the minor child or children of the parties
- (1) ☐ from the State of California.
- (2) ☐ from the following counties (*specify*):
- (3) ☐ other (*specify*):
- c. ☐ Child abduction prevention orders are attached (see form FL-341(B)).
- d. (1) Jurisdiction: This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (part 3 of the California Family Code, commencing with § 3400).
- (2) Notice and opportunity to be heard: The responding party was given notice and an opportunity to be heard as provided by the laws of the State of California.
- (3) Country of habitual residence: The country of habitual residence of the child or children is ☐ the United States of America ☐ other (*specify*):
- (4) Penalties for violating this order: If you violate this order you may be subject to civil or criminal penalties, or both.

4. ☒ OTHER ORDERS (*specify*): SEE ATTACHMENT 4

Date:

1/10/05



JUDGE OF THE SUPERIOR COURT

5. The date of the court hearing is (*insert date when known*):

CLERK'S CERTIFICATE

(SEAL)

I certify that the foregoing is a true and correct copy of the original on file in my office.

Date:

Clerk, by _____, Deputy

Page 1 of 1

MARRIAGE OF TSUI AND HU

CASE NO. 105FL 124146

ATTACHMENT 4

(TO TEMPORARY ORDERS-- TEMPORARY ORDERS CONTINUED)

Pending further court order, Petitioner and Respondent shall not withdraw or transfer funds from any and all accounts in their respective names individually or jointly with others at the following financial institutions:

Smith Barney Citigroup Financial

Aim Investments

Oakmark Family of Funds

Citibank

PIMCO FUNDS

FIRSTHAND

NORTHERN FUNDS

MUHLENKAMP

JANUS CAPITAL GROUP

CITIZEN BANK

DEUTSCH BANC ALEX. BROWN

DATED: 11/10/05


JUDGE OF THE SUPERIOR COURT

FL-310

| | |
|---|--------------|
| PETITIONER/PLAINTIFF: CHING YEE MILLOR TSUI | CASE NUMBER: |
| RESPONDENT/DEFENDANT: CHENG-YIH HU | |

APPLICATION FOR ORDER AND SUPPORTING DECLARATION

(THIS IS NOT AN ORDER)

☒ Petitioner ☐ Respondent ☐ Claimant requests the following orders be made:

1. ☐ CHILD CUSTODY ☐ To be ordered pending the hearing
- a. Child (name and age) b. Request custody to (name)
- c. ☐ Modify existing order
(1) filed on (date):
(2) ordering (specify):

2. ☐ CHILD VISITATION ☐ To be ordered pending the hearing
- a. ☐ Reasonable
b. ☐ Other (specify):
c. ☐ Child abduction prevention orders (attach form FL-312)
d. ☐ Petitioner ☐ Respondent shall not remove the minor child or children of the parties
(1) ☐ from the State of California (2) ☐ other (specify):
- e. ☐ Modify existing order
(1) filed on (date):
(2) ordering (specify):

3. ☐ CHILD SUPPORT (A Wage and Earnings Assignment Order will be issued.)
- a. Child (name and age) b. Monthly amount
(if not by guideline)
\$
- c. ☐ Modify existing order
(1) filed on (date):
(2) ordering (specify):

4. ☒ SPOUSAL SUPPORT (A Wage and Earnings Assignment Order will be issued.)
- a. ☒ Amount requested (monthly): \$ GUIDELINE
b. ☐ Terminate existing order
(1) filed on (date):
(2) ordering (specify):
- c. ☐ Modify existing order
(1) filed on (date):
(2) ordering (specify):

5. ☒ ATTORNEY FEES AND COSTS a. ☒ Fees: \$ 5,000.00 b. ☒ Costs: \$ 335.80

6. ☒ PROPERTY RESTRAINT ☒ To be ordered pending the hearing
- a. The ☐ petitioner ☒ respondent ☐ claimant are restrained from transferring, encumbering, hypothecating, concealing, or in any way disposing of any property, real or personal, whether community, quasi-community, or separate, except in the usual course of business or for the necessities of life.
☒ and applicant will be notified at least five business days before any proposed extraordinary expenditures and an accounting of such will be made to the court.
- b. ☒ Both parties are restrained and enjoined from cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage including life, health, automobile, and disability held for the benefit of the parties or their minor children.
- c. ☒ Neither party shall incur any debts or liabilities for which the other may be held responsible, other than in the ordinary course of business or for the necessities of life.

NOTE: TO OBTAIN DOMESTIC VIOLENCE RESTRAINING ORDERS, YOU MUST USE THE FORMS REQUEST FOR ORDER (DOMESTIC VIOLENCE PREVENTION) (FORM DV-100) AND TEMPORARY RESTRAINING ORDER (DOMESTIC VIOLENCE PREVENTION) (FORM DV-110).

Page 1 of 2

| | |
|---|------------------------------|
| PETITIONER/PLAINTIFF: CHING YEE MILLOR TSUI | CASE NUMBER: 105FL 124146 |
| RESPONDENT/DEFENDANT: CHENG-YIH HU | |

7. ☒ PROPERTY CONTROL ☐ To be ordered pending the hearing
 a. ☐ Petitioner ☐ Respondent are given the exclusive temporary use, possession, and control of the following property we own or are buying (specify):

- b. ☒ Petitioner ☐ Respondent are ordered to make the following payments on liens and encumbrances coming due while the order is in effect:

| Debt | Amount of payment | Pay to |
|------------------------|-------------------|--------------------------|
| Mortgage family resid. | \$3,827.26 | EMC Mortgage Corporation |

8. ☐ I request that time for service of the Order to Show Cause and accompanying papers be shortened so that they may be served no less than (specify number): _____ days before the time set for the hearing. I need to have the order shortening time because of the facts specified in the attached declaration.

9. ☒ OTHER RELIEF (specify): Pending further court order, it is ordered that the parties shall not withdraw or transfer any funds from the following financial accounts (Any and all accounts in the names of the parties individually or jointly with others at:
 SMITH BARNEY CITIGROUP FINANCIAL; AIM INVESTMENTS; OAKMARK FAMILY OF FUNDS; CITIBANK; PIMCO FUNDS; FIRSTHAND; NORTHERN FUNDS; MUHLENKAMP; JANUS CAPITAL GROUP;
 10. ☒ FACTS IN SUPPORT of relief requested and change of circumstances for any modification are (specify): CITIZEN BANK;
☒ contained in the attached declaration. DEUTSCH BANC ALEX.BROWI

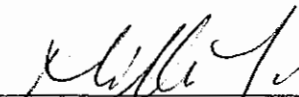
I have been unemployed since Dec. 2002. Respondent is employed by Cisco System, Inc. and receives a base salary of \$119,000.00 per year plus bounses. His gross year to date income stated on his paycheck stub as of August 20, 2004 was \$208,194.84. He currently resides in the family residence (which I contend is my separate property) at 4756 Calendula Court, San Jose, CA. I do not currently reside there. Respondent has a substantial separate property premarital debt, and I am concern that he may abscond with, or without my consent, transfer, encumber or hypothecate, the marital assets in which I have a community or separate property interest; especially upon learning that I have filed for divorce. Respondent's separate property premarital debt is a judgment, with interest, in excess of \$300,000.00 and the judgment creditor has, I am informed already attached an escrow account containing approximately \$200,000.00 of my money from the sale of my real property.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: JAN - 6 2005

CHING YEE MILLOR TSUI

(TYPE OR PRINT NAME)


 (SIGNATURE OF APPLICANT)

American LegalNet, Inc. www.USCourtForms.com

PETITIONER/PLAINTIFF: CHING YEE MILLOR TSUI
 RESPONDENT/DEFENDANT: CHENG-YIN HU
 OTHER PARENT/CLAIMANT:

CASE NUMBER:

105 FL 124146

Attach copies of your pay stubs for the last two months and proof of any other income. Take a copy of your latest federal tax return to the court hearing. (Cross out your social security number on the pay stub or tax return.)

Average
monthly (total
last 12 months
divide by 12)

5. **Income** (list all sources that you have received for the last 12 months—for average monthly, divide by 12) Last month
- | | | |
|---|------|--|
| a. Salary or wages (gross, before taxes) | \$ 0 | |
| b. Overtime (gross, before taxes) | \$ 0 | |
| c. Commissions or bonuses | \$ 0 | |
| d. Public assistance (for example: TANF, SSI, GA/GR) <input type="checkbox"/> currently receiving | \$ 0 | |
| e. Spousal support <input type="checkbox"/> from this marriage <input type="checkbox"/> from a different marriage | \$ 0 | |
| f. Partner support <input type="checkbox"/> from this domestic partnership <input type="checkbox"/> from a different domestic partnership | \$ 0 | |
| g. Pension/retirement fund payments | \$ 0 | |
| h. Social security retirement (not SSI) | \$ 0 | |
| i. Disability <input type="checkbox"/> social security (not SSI) <input type="checkbox"/> state disability (SDI) <input type="checkbox"/> private | \$ 0 | |
| j. Unemployment compensation | \$ 0 | |
| k. Workers' compensation | \$ 0 | |
| l. Other (military basic allowance for quarters (BAQ), royalty payments, etc.) (specify): | \$ 0 | |
6. **Investment Income**
- | | | |
|---------------------------------|------|--|
| a. Dividends/interest | \$ 0 | |
| b. Rental property income | \$ 0 | |
| c. Trust income | \$ 0 | |
| d. Other (specify): | \$ 0 | |

Attach a schedule showing gross receipts less cash expenses for each piece of property.

7. **My income from self-employment after business expenses for each business:**

I am the ☐ owner/sole proprietor ☐ business partner ☐ other (specify):

Number of years in this business (specify):

Name of business (specify):

Type of business (specify):

Attach a profit and loss statement for the last two years or a schedule C from your last federal tax return. Cross off your social security number. If more than one business, provide the same information as above for all your businesses.

8. **Additional Income**

☐ I received one-time money (lottery winnings, inheritance, etc.) in the last 12 months (specify source and amount):

9. **Change in income**

☒ My financial situation has changed significantly over the last 12 months because (specify): unemployed since Jan., 2003

10. **Deductions**

- | | Last month |
|---|------------|
| a. Required union dues | \$ None |
| b. Required retirement payments (not social security, FICA, 401k or IRA) | \$ None |
| c. Medical, hospital, dental, and other health insurance premiums (total monthly amount) | \$ None |
| d. Child support I pay for my other children from another relationship | \$ None |
| e. Spousal support I pay by court order from a different marriage | \$ None |
| f. Partner support I pay by court order from a different domestic partnership | \$ None |
| g. Necessary job-related expenses not reimbursed by my employer (attach explanation labeled Question 10f) | \$ None |

11. **Assets**

- | | Total |
|---|-----------|
| a. Cash and checking accounts, savings, credit union, money market, and other deposit accounts | \$ 9,000 |
| b. Stocks, bonds, and other assets you can easily sell | \$ 12,000 |
| c. All other property <input type="checkbox"/> real or <input type="checkbox"/> personal (estimate fair market value minus the loans and debts you owe) | \$ N/A |

| | |
|--|----------------------|
| PETITIONER/PLAINTIFF: CHING YEE MILLOR TSUI | CASE NUMBER: |
| RESPONDENT/DEFENDANT: CHENG-YIN HU | 105 FL 124146 |
| OTHER PARENT/CLAIMANT: | |

12. The following people live with me

| Name | Age | How is the person related to you? | Gross monthly income | Pays some of the household expenses? |
|------|-----|-----------------------------------|----------------------|--|
| a. | | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| b. | | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| c. | | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| d. | | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| e. | | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |

13. Average monthly expenses

☐ Estimated expenses ☐ Actual expenses ☐ Proposed needs

a. My home:

(1) ☐ Rent or ☒ mortgage \$ 3,827.26

(2) If mortgage, include:

Average principal \$ 627.93Average interest \$ 2440.71(3) Real property taxes \$ 758.62(4) Homeowner's or renter's insurance
(if not included above) \$ _____

(5) Maintenance and repair \$ _____

b. Health-care costs not
paid by insurance \$ 200.00c. Child care \$ 0d. Groceries and household supplies \$ 300.00e. Eating out \$ 100.00

f. Utilities (gas, electric, water, trash) \$ _____

g. Telephone/cell phone/e-mail \$ 100.00h. Laundry and cleaning \$ 30.00i. Clothes \$ 100.00j. Education (specify): \$ 1,200.00k. Entertainment, gifts, and vacation \$ 200.00

l. Auto expenses and transportation

(insurance, gas, repairs, bus, etc.) \$ 200.00m. Insurance (life, accident, etc.; do not
include auto, home, or health insurance.) \$ 0

n. Savings and investments \$ _____

o. Charitable contributions \$ _____

p. Monthly payments listed in item 14

(itemize below in 14 and insert total here) \$ _____

q. Other (specify): \$ _____

r. **TOTAL EXPENSES (a-q)** \$ 7,015.88
(do not include amounts in a(2))s. Amount of expenses paid by others .. \$ -0-

14. Installment payments and debts (not listed above)

| Paid to | For | Amount | Balance | Date of last payment |
|---------|-----|--------|---------|----------------------|
| | | \$ | \$ | |
| | | \$ | \$ | |
| | | \$ | \$ | |
| | | \$ | \$ | |
| | | \$ | \$ | |

15. Attorney fees (This is required if either party is requesting attorney fees.)

a. To date I have paid my attorney for fees and costs: \$ 3,300.00b. The source of this money was (specify): Savingsc. I owe to date the following fees and costs over the amount paid: \$ 0d. My attorney's hourly rate is \$ 200.00 per hr

I confirm this information and fee arrangement.

Dale N. Chen

(TYPE OR PRINT NAME OF ATTORNEY)

Date:

JAN - 6 2005

(SIGNATURE OF ATTORNEY)

FL-115

| | | |
|--|--|-------------------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): DALE CHEN, ESQ. SBN 114701 147 Castro Street, Suite 2A Mountain View, CA 94041 TELEPHONE NO. (Optional): (650) 988-6696 FAX NO. (Optional): (650) 903-1813 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): CHING YEE MILLOR TSUI | FOR COURT USE ONLY FILED 2005 JAN 28 AM 10:15 KIRI TORRE, CJD SUPERIOR COURT OF CA. CO. OF SANTA CLARA BY <u>SA</u> DEPUTY UCS | |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA STREET ADDRESS: 170 Park Center Plaza MAILING ADDRESS: CITY AND ZIP CODE: San Jose, CA 95113 BRANCH NAME: Family Law Division | | |
| PETITIONER: CHING YEE MILLOR TSUI RESPONDENT: CHENG-YIH HU | | |
| PROOF OF SERVICE OF SUMMONS | | CASE NUMBER: 105FL-124146 |

1. At the time of service I was at least 18 years of age and not a party to this action. I served the respondent with copies of:
- a. ☒ Family Law: *Petition* (form FL-100), *Summons* (form FL-110), and blank *Response* (form FL-120)
- or-
- b. ☐ Uniform Parentage: *Petition to Establish Parental Relationship* (form FL-200), *Summons* (form FL-210), and blank *Response to Petition to Establish Parental Relationship* (form FL-220)
- or-
- c. ☐ Custody and Support: *Petition for Custody and Support of Minor Children* (form FL-260), *Summons* (form FL-210), and blank *Response to Petition for Custody and Support of Minor Children* (form FL-270)
- and
- d. ☒ (1) ☐ Completed and blank *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act* (form FL-105) (5) ☐ Completed and blank *Financial Statement (Simplified)* (form FL-155)
- (2) ☐ Completed and blank *Declaration of Disclosure* (form FL-140) (6) ☐ Completed and blank *Property Declaration* (form FL-160)
- (3) ☐ Completed and blank *Schedule of Assets and Debts* (form FL-142) (7) ☒ *Order to Show Cause* (form FL-300), *Application for Order and Supporting Declaration* (form FL-310), and blank *Responsive Declaration to Order to Show Cause or Notice of Motion* (form FL-320)
- (4) ☐ Completed and blank *Income and Expense Declaration* (form FL-150) (8) ☒ Other (specify): **Temporary Orders; Completed Income and Expense Declaration**
2. Address where respondent was served:
 4756 Calendula Court
 San Jose, CA 95136
3. I served the respondent by (check proper box)
- a. ☒ **personal service**, by personally delivering the copies to the respondent (Code Civ. Proc., § 415.10) on (date): **January 14, 2005** at (time): **10:20 AM**
- b. ☐ **substituted service**, by leaving the copies with or in the presence of (name):
 who is (title or relationship to respondent):
- (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the respondent. I informed him or her of the general nature of the papers.
- (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the respondent. I informed him or her of the general nature of the papers.

| | |
|-----------------------------------|--------------|
| PETITIONER: CHING YEE MILLOR TSUI | CASE NUMBER: |
| RESPONDENT: CHENG-YIH HU | 105FL-124146 |

3. b. on (date): _____ at (time): _____
- I thereafter mailed additional copies (by first-class, postage prepaid) to the respondent at the place where the copies were left (Code Civ. Proc., § 415.20b) on (date): _____
- A declaration of diligence is attached, stating the actions taken to first attempt personal service.
- c. ☐ **mail and acknowledgment service**, by mailing the copies to the respondent, addressed as shown in item 2, by first-class mail, postage prepaid,
- on (date): _____ from (city): _____
- (1) ☐ with two copies of the *Notice and Acknowledgment of Receipt—Family Law* (form FL-117) and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt—Family Law* (form FL-117).) (Code Civ. Proc., § 415.30.)
- (2) ☐ to an address outside California (by registered or certified mail with return receipt requested) (Attach signed return receipt or other evidence of actual delivery to the respondent.) (Code Civ. Proc., § 415.40.)
- d. ☐ **other** (specify code section): _____
- ☐ An additional page is attached.
4. The NOTICE TO THE PERSON SERVED on the *Summons* was completed as follows (Code Civ. Proc., §§ 412.30, 415.10, 474):
- a. ☒ As an individual
- b. ☐ On behalf of respondent who is:
- ☐ An individual (Code Civ. Procedure § 416.90) ☐ A ward or Conservatee (Code Civ. Proc., § 416.70)
- ☐ A minor (Code Civ. Procedure § 416.60) ☐ Other (specify): _____

5. **Person who served papers**

Name: Tim Cochran

Address: 146 Main Street, Suite 203; Los Altos, CA 94022
Los Altos, CA 94022

Telephone number: (650) 941-5441

I am

- a. ☒ exempt from registration under Business and Professions Code section 22350(b).
- b. ☐ not a registered California process server.
- c. ☐ a registered California process server:
- (1) ☐ Employee or independent contractor
- (2) Registration no.: _____
- (3) County: _____

d. The fee for service was: \$ 300.00

HARDER & ASSOCIATES
146 MAIN STREET #203
LOS ALTOS, CA 94022
(650) 941-5441
CA LIC. # PI11428

6. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

—or—

7. ☐ I am a California sheriff, marshal, or constable, and I certify that the foregoing is true and correct.

Date: January 14, 2005

Tim Cochran

(NAME OF PERSON WHO SERVED PAPERS)



(SIGNATURE OF PERSON WHO SERVED PAPERS)

| | | |
|--|--------------------|---|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, bar number, and address): Andrew H. Wu, J.D. (SBN: 156547) | | FOR COURT USE ONLY <div style="font-size: 2em; font-weight: bold; transform: rotate(-15deg); display: inline-block;">FILED</div> 2005 JAN 31 P 1:05 KIM TORRE, CLERK OF THE SUPERIOR COURT COUNTY OF SANTA CLARA, CALIFORNIA BY: <i>[Signature]</i> DEPUTY CLERK |
| 95 S. Market Street Suite 300 San Jose CA 95113 TELEPHONE NO.: (408) 995-3228 FAX NO.: (408) 995-3284 | | |
| ATTORNEY FOR (Name): Respondent, Cheng-Yih (Michael) Hu SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara STREET ADDRESS: 170 Park Center Plaza MAILING ADDRESS: 170 Park Center Plaza CITY AND ZIP CODE: San Jose CA 95113 BRANCH NAME: Family Law Division | | |
| PETITIONER/PLAINTIFF: Ching Yee (Millor) Tsui RESPONDENT/DEFENDANT: Cheng-Yih (Michael) Hu | | |
| RESPONSIVE DECLARATION TO ORDER TO SHOW CAUSE OR NOTICE OF MOTION | | CASE NUMBER: 1-05-FL124146 |
| HEARING DATE: 02-03-05 | TIME: 9:00 a.m. | DEPARTMENT OR ROOM: 71 |

1. ☐ **CHILD CUSTODY**
 - a. ☐ I consent to the order requested.
 - b. ☐ I do not consent to the order requested but I consent to the following order:

2. ☐ **CHILD VISITATION**
 - a. ☐ I consent to the order requested.
 - b. ☐ I do not consent to the order requested but I consent to the following order:

3. ☐ **CHILD SUPPORT**
 - a. ☐ I consent to the order requested.
 - b. ☐ I consent to guideline support.
 - c. ☐ I do not consent to the order requested, but I consent to the following order:
 - (1) ☐ Guideline
 - (2) ☐ Other (specify):

4. ☒ **SPOUSAL SUPPORT**
 - a. ☒ I consent to the order requested.
 - b. ☐ I do not consent to the order requested.
 - c. ☐ I consent to the following order:

5. ☒ **ATTORNEY FEES AND COSTS**
 - a. ☐ I consent to the order requested.
 - b. ☒ I do not consent to the order requested.
 - c. ☒ I consent to the following order: Each to pay their own interim fees and costs, with issue of ultimate fees reserved.

| | |
|--|---------------|
| PETITIONER/PLAINTIFF: Ching Yee (Honor) Tsui | CASE NUMBER: |
| RESPONDENT/DEFENDANT: Cheng-Yih (Michael) Hu | 1-05-FL124146 |

6. ☒ PROPERTY RESTRAINT

- a. ☒ I consent to the order requested.
b. ☐ I do not consent to the order requested.
c. ☐ I consent to the following order:

7. ☒ PROPERTY CONTROL

- a. ☒ I consent to the order requested.
b. ☐ I do not consent to the order requested.
c. ☐ I consent to the following order:

8. ☒ OTHER RELIEF

- a. ☐ I consent to the order requested.
b. ☒ I do not consent to the order requested.
c. ☒ I consent to the following order: Each to receive one-half of the in-kind value of all liquid/cash accounts, as of October 16, 2004, including the roughly \$90,000.00 in community funds that Petitioner wired transferred to an undisclosed off-shore source on or about November 22, 2004, with off-sets for any decrease in value as a result of payments towards community debt. Each to manage and control their respective one-half of said assets as separate property thereafter.

9. ☒ SUPPORTING INFORMATION

☐ contained in the attached declaration.

I, Cheng-Yih Hu, state that I am the Respondent in the instant action. I make this declaration based upon facts known to me personally, except as to those facts stated upon information and belief, and, as to those facts, I believe them to be true.

1. As a result of the temporary restraining orders, current put in place by Petitioner's attorney, I have no means by which to pay for any recurring family living expenses, including tuition, room and board for my son, who is attending college at U.C. Berkeley. I, therefore, request that the funds currently restrained be released, in equal proportions, to Petitioner and myself for our own management and control.

2. My gross salary from my position as an Engineer at Cisco Systems last year was \$120,900.00, and I received a non-recurring gross performance bonus of \$30,000.00, in addition to my base salary from Cisco Systems.

3. In addition to my base salary and bonus, I also exercised and sold some of my Cisco Systems stock options, worth approximately \$100,000.00, in 2004. The sale of stock resulted in additional income to me in 2004, and the amount was stated on one of my paycheck stubs for August of that year.

4. Petitioner unilaterally moved out of our former family residence on October 16, 2004, leaving me to pay for all of the household expenses (including mortgage, insurance, and taxes on the residence) from my post-separation earnings. I intend to move out of the former family residence as soon as I am able to afford to do so, and allow Petitioner to move back in.

(Continued on Attachment to Item 9)

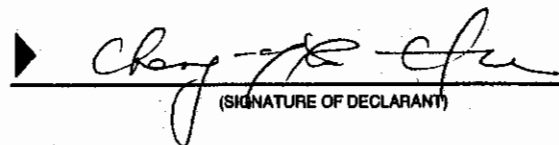
NOTE: To respond to a request for domestic violence restraining orders requested in the *Request for Order (Domestic Violence Prevention)* (form DV-100) you must use the *Answer to Temporary Restraining Order (Domestic Violence Prevention)* (form DV-120).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: January 29, 2005

Cheng-Yih (Michael) Hu

(TYPE OR PRINT NAME)


(SIGNATURE OF DECLARANT)

SHORT TITLE:

CASE NUMBER:

IRMO: Tsui & Hu, Ching Yee (Millor) & Cheng-Yih

1-05-FL124146

ATTACHMENT (Number): to Item 9Page 3 of 3

(This Attachment may be used with any Judicial Council form.)

(Add pages as required)

5. As a result of exercising and selling approximately \$100,000.00 worth of my Cisco Systems stock options, the community will have to pay approximately \$33,000.00 in taxes on April 15, 2005. I request that Petitioner and I each contribute one-half of that amount, from one-half of the community funds that I am requesting be distributed in item 8, to a blocked account for the purposes of paying our 2004 tax obligation.

6. There exists also approximately \$32,000.00 in community loan debt against my Fidelity Investments 401(k) account (as a result of a loan that the community has taken against my 401(k)), with some of the monies from that loan having been deposited into the accounts that are currently under restraint and some of the monies having been wire transferred by Petitioner to an undisclosed off-shore account. I request that the Court order this joint debt be repaid immediately from community funds so that I do not have to continue making high monthly interest payments.

7. As I have previously stated, Petitioner wire transferred approximately \$90,000.00 in community funds to what I believe is an off-shore account, in her sister's name, on or about November 22, 2004, after we had already separated following Petitioner's unilateral decision to move out of the former family residence. She is, therefore, not in any immediate need for funds in order to pay for her attorney.

8. The escrow account containing approximately \$200,000.00 in proceeds from the sale of real estate in Massachusetts has not been levied upon, but merely subject to a writ of attachment preventing any immediate distribution pending a determination as to its character (i.e., whether it is joint or separate funds).

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

| | |
|---|-------------------------------|
| PETITIONER/PLAINTIFF: Ching Yee (Millor) Tsui RESPONDENT/DEFENDANT: Cheng-Yih (Michael) Hu OTHER PARENT/CLAIMANT: | CASE NUMBER: 1-05-FL124146 |
|---|-------------------------------|

12. The following people live with me:

| Name | Age | How the person is related to me? (ex: son) | That person's gross monthly income | Pays some of the household expenses? |
|------------|-----|--|------------------------------------|---|
| a. Ivan Hu | 19 | son | none | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| b. | | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| c. | | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| d. | | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| e. | | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |

13. Average monthly expenses

☒ Estimated expenses ☐ Actual expenses ☐ Proposed needs

- a. Home:
- (1) ☐ Rent or ☒ mortgage... \$ 3,068.64
- If mortgage:
- (a) average principal: \$ 627.93
- (b) average interest: \$ 2,440.71
- (2) Real property taxes \$ 758.62
- (3) Homeowner's or renter's insurance (if not included above) \$ 66.00
- (4) Maintenance and repair \$
- b. Health-care costs not paid by insurance... \$ 75.00
- c. Child care \$
- d. Groceries and household supplies..... \$ 350.00
- e. Eating out \$ 100.00
- f. Utilities (gas, electric, water, trash) \$ 250.00
- g. Telephone, cell phone, and e-mail \$ 100.00
- h. Laundry and cleaning \$ 30.00
- i. Clothes \$ 120.00
- j. Education \$
- k. Entertainment, gifts, and vacation. \$ 200.00
- l. Auto expenses and transportation (insurance, gas, repairs, bus, etc.) \$ 200.00
- m. Insurance (life, accident, etc.; do not include auto, home, or health insurance). \$ 0.00
- n. Savings and investments..... \$ 0.00
- o. Charitable contributions..... \$ 0.00
- p. Monthly payments listed in item 14 (itemize below in 14 and insert total here). \$ 2,123.83
- q. Other (specify): \$ 0.00
- r. **TOTAL EXPENSES (a-q) (do not add in the amounts in a(1)(a) and (b))** \$ 7,442.09
- s. Amount of expenses paid by others \$ 0.00

14. Installment payments and debts not listed above

| Paid to | For | Amount | Balance | Date of last payment |
|--------------------------|-------------------------------|-------------|--------------|----------------------|
| University of California | son's tuition, room and board | \$ 1,833.00 | \$ | Jan. 2005 |
| Fidelity Investments | 401(k) loan repayment | \$ 290.83 | \$ 32,000.00 | Jan. 2005 |
| | | \$ | \$ | |
| | | \$ | \$ | |

15. This form ☐ does ☒ does not contain the locations of, or identifying information about, the assets and debts listed.
 NOTE: If the form does contain such information, you may ask the court to seal this document by completing and submitting an *Ex Parte Application and Order to Seal Financial Forms* (form FL-316).

16. Attorney fees (This is required if either party is requesting attorney fees.): \$ 450.00

- a. To date, I have paid my attorney this amount for fees and costs (specify): \$ 5,200.00
- b. The source of this money was (specify): loan against son's educational trust.
- c. I still owe the following fees and costs to my attorney (specify total owed): \$ none.
- d. My attorney's hourly rate is (specify): \$ 250.00/hr.

I confirm this fee arrangement.

Date: January 29, 2005

Andrew H. Wu, J.D.

(TYPE OR PRINT NAME OF ATTORNEY)

(SIGNATURE OF ATTORNEY)

| | |
|---|-------------------------------|
| PETITIONER/PLAINTIFF: Ching Yee (Millor) Tsui RESPONDENT/DEFENDANT: Cheng-Yih (Michael) Hu OTHER PARENT/CLAIMANT: | CASE NUMBER: 1-05-FL124146 |
|---|-------------------------------|

Attach copies of your pay stubs for the last two months and proof of any other income to the first page. Take a copy of your latest federal tax return to the court hearing. (Black out your social security number on the pay stub and tax return.)

5. **Income** (For average monthly, add up all the income you received in each category in the last 12 months and divide the total by 12.)

| | Last month | Average monthly |
|--|------------|-----------------|
| a. Salary or wages (gross, before taxes) | \$ _____ | 10,070.00 |
| b. Overtime (gross, before taxes) | \$ _____ | 0.00 |
| c. Commissions or bonuses | \$ _____ | 2,500.00 |
| d. Public assistance (for example: TANF, SSI, GA/GR) <input type="checkbox"/> currently receiving | \$ _____ | 0.00 |
| e. Spousal support <input type="checkbox"/> from this marriage <input type="checkbox"/> from a different marriage | \$ _____ | 0.00 |
| f. Partner support <input type="checkbox"/> from this domestic partnership <input type="checkbox"/> from a different domestic partnership | \$ _____ | _____ |
| g. Pension/retirement fund payments | \$ _____ | _____ |
| h. Social security retirement (not SSI) | \$ _____ | _____ |
| i. Disability: <input type="checkbox"/> Social security (not SSI) <input type="checkbox"/> State disability (SDI) <input type="checkbox"/> Private insurance | \$ _____ | _____ |
| j. Unemployment compensation | \$ _____ | _____ |
| k. Workers' compensation | \$ _____ | _____ |
| l. Other (military BAQ, royalty payments, etc.) (specify): | \$ _____ | _____ |

6. **Investment income** (Attach a schedule showing gross receipts less cash expenses for each piece of property.)

| | | |
|---------------------------------|----------|-------|
| a. Dividends/interest | \$ _____ | 40.00 |
| b. Rental property income | \$ _____ | 0.00 |
| c. Trust income | \$ _____ | 0.00 |
| d. Other (specify): | \$ _____ | 0.00 |

7. **Income from self-employment, after business expenses for all businesses.**

I am the ☐ owner/sole proprietor ☐ business partner ☐ other (specify): _____

Number of years in this business (specify): _____

Name of business (specify): _____

Type of business (specify): _____

Attach a profit and loss statement for the last two years or a Schedule C from your last federal tax return. Black out your social security number. If you have more than one business, provide the information above for each of your businesses.

8. ☐ **Additional income.** I received one-time money (lottery winnings, inheritance, etc.) in the last 12 months (specify source and amount): _____

9. ☐ **Change in income.** My financial situation has changed significantly over the last 12 months because (specify): _____

10. **Deductions**

| | Last month |
|---|------------|
| a. Required union dues | \$ _____ |
| b. Required retirement payments (not social security, FICA, 401(k), or IRA) | \$ _____ |
| c. Medical, hospital, dental, and other health insurance premiums (total monthly amount) | \$ 270.83 |
| d. Child support that I pay for children from other relationships | \$ _____ |
| e. Spousal support that I pay by court order from a different marriage | \$ _____ |
| f. Partner support that I pay by court order from a different domestic partnership | \$ _____ |
| g. Necessary job-related expenses not reimbursed by my employer (attach explanation labeled "Question 10g") | \$ _____ |

11. **Assets**

| | | |
|---|--------------|-------|
| a. Cash and checking accounts, savings, credit union, money market, and other deposit accounts | \$ 99,000.00 | Total |
| b. Stocks, bonds, and other assets I could easily sell | \$ _____ | |
| c. All other property, <input type="checkbox"/> real and <input type="checkbox"/> personal (estimate fair market value minus the debts you owe) | \$ _____ | |

| | |
|---|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State, number, and address): Andrew H. Wu, J.D. 95 S. Market Street, Suite 300 San Jose, CA 95113 TELEPHONE NO.: (408) 995-3228 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Respondent, Cheng-Yih (Michael) Hu | FOR COURT USE ONLY <div style="font-size: 2em; transform: rotate(-15deg); opacity: 0.5;">FILED</div> <div style="font-size: 1.5em; transform: rotate(-15deg);">2005 JAN 31 P 1:05</div> <div style="font-size: 0.8em; transform: rotate(-15deg);"> KIRI TORRE, CLERK OF THE SUPERIOR COURT COUNTY OF SANTA CLARA, CALIFORNIA BY <u>V. V. V.</u> DEPUTY CLERK </div> |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara STREET ADDRESS: 170 Park Center Plaza MAILING ADDRESS: 170 Park Center Plaza CITY AND ZIP CODE: San Jose CA 95113 BRANCH NAME: Family Law Division | |
| PETITIONER/PLAINTIFF: Ching Yee (Millor) Tsui RESPONDENT/DEFENDANT: Cheng-Yih (Michael) Hu OTHER PARENT/CLAIMANT: | |
| INCOME AND EXPENSE DECLARATION | CASE NUMBER: 1-05-FL124146 |

1. Employment (Give information on your current job or, if you're unemployed, your most recent job.)

Attach copies of your pay stubs for last two months here (black out social security numbers).

- a. Employer: Cisco Systems
- b. Employer's address: 230 W. Tasman Drive, San Jose, California, 95136
- c. Employer's phone number: (408) 526-8723
- d. Occupation: Engineer
- e. Date job started: March 2000
- f. If unemployed, date job ended:
- g. I work about 40 hours per week.
- h. I get paid \$ 10,075.00 gross (before taxes) ☒ per month ☐ per week ☐ per hour.

(If you have more than one job, attach an 8½-by-11-inch sheet of paper and list the same information as above for your other jobs. Write "Question 1—Other Jobs" at the top.)

2. Age and education

- a. My age is (specify): fifty-one (51)
- b. I have completed high school or the equivalent: ☒ Yes ☐ No If no, highest grade completed (specify):
- c. Number of years of college completed (specify): 04 ☒ Degree(s) obtained (specify): BSEE
- d. Number of years of graduate school completed (specify): 01 ☒ Degree(s) obtained (specify): MSEE
- e. I have: ☐ professional/occupational license(s) (specify):
☐ vocational training (specify):

3. Tax information

- a. ☒ I last filed taxes for tax year (specify year): 2003
- b. My tax filing status is ☐ single ☐ head of household ☐ married, filing separately
☒ married, filing jointly with (specify name): Ching Yee (Millor) Tsui
- c. I file state tax returns in ☒ California ☒ other (specify state): Massachusetts
- d. I claim the following number of exemptions (including myself) on my taxes (specify): 03

- 4. Other party's income.** I estimate the gross monthly income (before taxes) of the other party in this case at (specify): \$ 200.00
 This estimate is based on (explain): interest income.

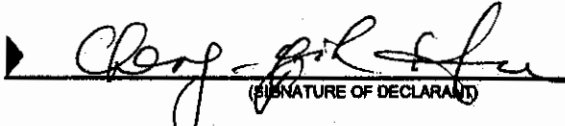
(If you need more space to answer any questions on this form, attach an 8½-by-11-inch sheet of paper and write the question number before your answer.)

5. Number of pages attached: -0-

I declare under penalty of perjury under the laws of the State of California that the information contained on all pages of this form and any attachments is true and correct.

Date: January 29, 2005

Cheng-Yih (Michael) Hu
 (TYPE OR PRINT NAME)


 (SIGNATURE OF DECLARANT)

| | |
|---|-------------------------------|
| PETITIONER/PLAINTIFF: Ching Yee (Millor) Tsui RESPONDENT/DEFENDANT: Cheng-Yih (Michael) Hu OTHER PARENT/CLAIMANT: | CASE NUMBER: 1-05-FL124146 |
|---|-------------------------------|

CHILD SUPPORT INFORMATION

(NOTE: Fill out this page only if your case involves child support.)

17. Number of children

- a. I have (specify number): -0- children under the age of 18 with the other parent in this case.
- b. The children spend n/a percent of their time with me and n/a percent of their time with the other parent.
 (If you're not sure about percentage or it has not been agreed on, please describe your parenting schedule here.)

18. Children's health-care expenses

- a. ☐ I do ☐ I do not have health insurance available to me for the children through my job.
- b. Name of insurance company:
- c. Address of insurance company:
- d. The monthly cost for the children's health insurance is or would be (specify): \$
 (Do not include the amount your employer pays.)

19. Additional expenses for the children in this case

Amount per month

- a. Child care so I can work or get job training. \$ _____
- b. Children's health care not covered by insurance. \$ _____
- c. Travel expenses for visitation. \$ _____
- d. Children's educational or other special needs (specify below): \$ _____

20. Special hardships. I ask the court to consider the following special financial circumstances

(attach documentation of any item listed here, including court orders):

Amount per month

For how many months?

- a. Extraordinary health expenses not included in 19b. \$ _____
- b. Major losses not covered by insurance (examples: fire, theft, other insured loss) \$ _____
- c. (1) Expenses for my minor children who are from other relationships and are living with me \$ _____
- (2) Names and ages of those children (specify):

(3) Child support I receive for those children. \$ _____

The expenses listed in a, b, and c create an extreme financial hardship because (explain):

21. Other information I want the court to know concerning support in my case (specify):

I pay \$1,000.00 per month in order to support my elderly mother.

| | |
|---|-------------------------------|
| PETITIONER/PLAINTIFF: Ching Yee (Millor) Tsui RESPONDENT/DEFENDANT: Cheng-Yih (Michael) Hu OTHER PARENT/CLAIMANT: | CASE NUMBER: 1-05-FL124146 |
|---|-------------------------------|

12. The following people live with me:

| Name | Age | How the person is related to me? (ex: son) | That person's gross monthly income | Pays some of the household expenses? |
|------------|-----|--|------------------------------------|---|
| a. Ivan Hu | 19 | son | none | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No |
| b. | | | | |
| c. | | | | |
| d. | | | | |
| e. | | | | |

13. Average monthly expenses

☒ Estimated expenses ☐ Actual expenses ☐ Proposed needs

a. Home:

(1) ☐ Rent or ☒ mortgage... \$ 3,068.64

If mortgage:

(a) average principal: \$ 627.93

(b) average interest: \$ 2,440.71

(2) Real property taxes \$ 758.62

(3) Homeowner's or renter's insurance
(if not included above) \$ 66.00

(4) Maintenance and repair \$

b. Health-care costs not paid by insurance... \$ 75.00

c. Child care \$

d. Groceries and household supplies \$ 350.00

e. Eating out \$ 100.00

f. Utilities (gas, electric, water, trash) \$ 250.00

g. Telephone, cell phone, and e-mail \$ 100.00

h. Laundry and cleaning \$ 30.00

i. Clothes \$ 120.00

j. Education \$

k. Entertainment, gifts, and vacation \$ 200.00

l. Auto expenses and transportation
(insurance, gas, repairs, bus, etc.) \$ 200.00m. Insurance (life, accident, etc.; do not
include auto, home, or health insurance) .. \$ 0.00

n. Savings and investments \$ 0.00

o. Charitable contributions \$ 0.00

p. Monthly payments listed in item 14
(itemize below in 14 and insert total here) .. \$ 2,123.83

q. Other (specify): \$ 0.00

r. **TOTAL EXPENSES (a-q) (do not add in
the amounts in a(1)(a) and (b))** .. \$ 7,442.09

s. Amount of expenses paid by others .. \$ 0.00

14. Installment payments and debts not listed above

| Paid to | For | Amount | Balance | Date of last payment |
|--------------------------|-------------------------------|-------------|--------------|----------------------|
| University of California | son's tuition, room and board | \$ 1,833.00 | \$ | Jan. 2005 |
| Fidelity Investments | 401(k) loan repayment | \$ 290.83 | \$ 32,000.00 | Jan. 2005 |
| | | \$ | \$ | |
| | | \$ | \$ | |

15. This form ☐ does ☒ does not contain the locations of, or identifying information about, the assets and debts listed.
 NOTE: If the form does contain such information, you may ask the court to seal this document by completing and submitting an
Ex Parte Application and Order to Seal Financial Forms (form FL-316).

16. Attorney fees (This is required if either party is requesting attorney fees.): \$ 450.00

a. To date, I have paid my attorney this amount for fees and costs (specify): \$ 5,200.00

b. The source of this money was (specify): loan against son's educational trust.

c. I still owe the following fees and costs to my attorney (specify total owed): \$ none.

d. My attorney's hourly rate is (specify): \$ 250.00/hr.

I confirm this fee arrangement.

Date: January 29, 2005

Andrew H. Wu, J.D.

(TYPE OR PRINT NAME OF ATTORNEY)

(SIGNATURE OF ATTORNEY)

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170 WEST TASMAN DRIVE
SAN JOSE, CA 95134-1706
(408) 527-8976

01/28/2005

22310022

VOID-VOID-VOID-VOID-VOID-VOID-VOID

\$2,134.05

USM 020757

CHENG-YIH HU
4756 CALENDULA COURT
SAN JOSE, CA 95136

VOID

NON-NEGOTIABLE

| Employee | ID | Social Security | Status | Exemptions/Allowances | Number | | |
|--------------|----------|-----------------|------------|-----------------------|--------------|------------|------------|
| CHENG-YIH HU | 057221 | 033-60-9927 | MARRIED | US-7/0 CA-7/0 | 22310022 | | |
| Code | Paygroup | Division | Department | Hire Date | Period Start | Period End | Pay Date |
| CIS-22A | 1 | 022 | 020757 | 06/23/2000 | 01/10/2005 | 01/23/2005 | 01/28/2005 |

Service Date

02/21/2000

| Earnings | Rate | Units | Current | Year To Date |
|-------------------------------|------|-------|----------|--------------|
| Salary - Exempt | | | 4,577.88 | 5,493.46 |
| Paid Time Off | | | | 3,662.30 |
| Flex Credits | | | 81.00 | 162.00 |
| Life Insurance Imputed Income | | | 7.43 | 14.86 |
| Stock Plan (2) Refund | | | | 12.52 |
| Total Gross | | | 4,666.31 | 9,345.14 |

Taxes

| | | |
|----------------------------|--------|--------|
| Federal Income Tax | 424.38 | 712.82 |
| Social Security (FICA) | 280.42 | 560.83 |
| Federal Medicare | 65.58 | 131.16 |
| California Income Tax | 162.81 | 271.15 |
| California Vol. Disability | 48.76 | 97.53 |

Total 981.95 1,773.49

Pre-Tax Deductions

| | | |
|------------------------------|--------|----------|
| Kaiser (EE + Fam) | 125.16 | 250.32 |
| AD&D 4 x Salary | 2.62 | 5.24 |
| 401(k) Savings Plan | 503.57 | 1,464.92 |
| Vision (EE + Family) | 6.12 | 12.24 |
| MetLife Comp PPO (EE+Family) | 9.62 | 19.24 |
| 401(k) Catch Up Provision | 137.34 | 412.01 |

Total 784.43 2,163.97

After-Tax Deductions

| | | |
|-------------------------|--------|--------|
| Dep Lif Ins Spouse 10k | 1.25 | 2.50 |
| Dep Lif Ins Child 12.5k | 0.66 | 1.32 |
| 401(k) Loan 1 (Cisco) | 290.83 | 581.66 |

| Paid Time off | Current | Current | | |
|---------------|---------|---------|---------|--------|
| Plan | Accrued | Taken | Balance | Limit |
| PTO | 6.16 | 0.00 | 169.26 | 240.00 |

Direct Deposit Accounts

| Memo Entries | Current | Year To Date |
|------------------------|---------|--------------|
| Employer 401 (k) Match | 137.34 | 274.68 |
| Pre-Tax Benefits YTD | 143.52 | 287.04 |

Messages

Net check may be less due to FICA/VDI start for 2005.